

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

PETER POE, *et al.*,

Plaintiffs,

v.

GENTNER F. DRUMMOND, *et al.*,

Defendants.

No. 23-cv-00177-JFH-SH

MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY

Pursuant to LCvR7-1(f), Defendants 15-53 respectfully move to supplement their Motion to Dismiss, Doc. 80, and their Response to Plaintiffs' Motion for a Preliminary Injunction, Doc. 86. Earlier this week, on August 22, 2023, an Eleventh Circuit panel unanimously held that a federal district court abused its discretion last year when it enjoined an Alabama law that made it a crime to provide puberty blockers or cross-sex hormones to a minor to treat a discordance between the minor's biological sex and gender identity. The Eleventh Circuit held that only rational basis review applied to the plaintiffs' substantive due process and equal protection claims, and that the plaintiffs were unlikely to succeed in showing that Alabama violated the U.S. Constitution. The Eleventh Circuit's opinion is attached. *See Eknes-Tucker v. Governor of Alabama*, No. 22-11707, 2023 WL 5344981 (11th Cir. Aug. 21, 2023). To be clear, Defendants 15-53 are not seeking to provide further argument. Defendants 15-53 simply seek leave to inform the Court of this new highly persuasive authority, which speaks for itself.

Respectfully submitted,

s/ Zach West

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CERTIFICATE OF SERVICE

I hereby certify that on 23rd August 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

s/ Zach West

Zach West